

1 SETH D. BALLSTAEDT, ESQ.
2 Nevada Bar No.: 11516
3 BALLSTAEDT LAW FIRM
4 8751 W. Charleston Boulevard, Suite #220
5 Las Vegas, NV 89117
6 Phone: (702) 715-0000
7 Fax: (702) 666-8215
8 help@bkvegas.com

9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF NEVADA

11 In re:

CASE NO.: 21-12418-MKN
TRUSTEE: KATHLEEN A LEAVITT

12 SONIA LOPEZ

CHAPTER: 13

13 Debtor

DEBTOR'S DECLARATION

14 I, Sonia Lopez,

15 **HEREBY DECLARE AS FOLLOWS:**

- 16 1. In 2015, I filed a Chapter 13 bankruptcy in order to catch up on the arrears of the
17 mortgage attached to my property located at 819 N Divisadero St, Visalia, CA 93291.
18 2. I completed all my plan payment in the five years that my 2015 bankruptcy lasted.
19 3. I misunderstood some concepts of the 2015 bankruptcy, and I thought that I had paid the
20 full amount of my hard money loan mortgage in full through the bankruptcy payments to
21 the trustee, but I now know that I was just catching up on the arrears.
22 4. My last payment in my 2015 bankruptcy was made in around November, 2020, and my
23 case was closed in January, 2021.
24 5. Since I thought the mortgage against my property was paid off, I did not make payments
25 after the trustee stopped sometime in 2020.
26 6. Since there is a remaining balance on the mortgage, and I was not paying, the lender set a
27 foreclosure sale date.
28 7. In order to stop the foreclosure and this time pay off the mortgage in full, I re-filed a
bankruptcy under Chapter 13 on March 16, 2021. Since the arrears are less than in my
2015 bankruptcy, payment in full of this loan was affordable

8. Unfortunately, I did not file all of the required documents in my March, 2021 case for a number of reasons, including that my email inbox was full so I did not receive the link to sign the documents electronically, I was suffering from major headaches, I was in bed for multiple days after my COVID vaccinations, so I was not understanding the reminders from my law firm. I got confused about the deadlines - I mixed up the deadline to sign the documents and my May 11, 2021 continued 341 hearing, so I was surprised when my case was dismissed. I now understand that this deadline was 45 days after I filed.
9. It is my understanding that my prior 2021 bankruptcy was dismissed on May 7, 2021 and that my hard money lender set another foreclosure sale for May 13, 2021
10. In this bankruptcy case, since my petition, and all of my schedules and statements were recently reviewed orally with me (but not signed in the prior case), it was easy to review them again, and this time I made sure to sign them quickly, and it is my understanding that they have already been filed.
11. From information I can obtain online from websites such as Realtor.com, Homefacts.com, and Realtytrac.com, the value of my property is estimated to be between \$164,800 and \$190,300 so my mortgage lender who holds a debt of an estimated \$85,000 is fully secured.
12. I work as a mental health therapist on a contract basis, and my income averages about \$6,806 per month before expenses, and I have over \$2,000 per month to contribute to my Chapter 13 plan. I seek to pay my student loans outside of my bankruptcy and to pay my other unsecured debts in full through my plan.
13. I have shown that I can successfully complete a Chapter 13 case, I make enough income to pay the currently proposed plan, and I expect to be able to be successful in this case as long as my mortgage lender is not allowed to foreclose on my property.
14. I request that this court allow the automatic stay to remain in place so I can pay my mortgage in full and avoid foreclosure and I thank the court for its consideration.

I/We declare under penalty of perjury that the foregoing is true and correct.

SONIA LOPEZ

(signature of Debtor)

05/14/2021

(date)